

AMENDED IN SENATE JANUARY 30, 2006

**Senate Resolution**

**No. 20**

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**Introduced by Senator Florez**

January 4, 2006

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Senate Resolution No. 20—Relative to tribal gaming.

1     WHEREAS, The federal Indian Gaming Regulatory Act (25  
2     U.S.C. Sec. 2701 et seq.) (hereafter IGRA) authorizes federally  
3     recognized Indian tribes to conduct class III gaming on Indian  
4     lands, as defined by IGRA, to the extent those games are  
5     permitted by state law, and pursuant to a gaming compact  
6     negotiated between a tribe and the state where class III gaming  
7     activities will be conducted by the tribe; and  
8     WHEREAS, In 2000, California voters approved Proposition  
9     1A, a measure that amended the California Constitution to  
10    authorize the Governor to negotiate and conclude compacts,  
11    subject to ratification by the Legislature, with federally  
12    recognized Indian tribes on Indian lands in California in  
13    accordance with federal law; and  
14    WHEREAS, The constitutionality of tribal exclusivity over the  
15    forms of gaming authorized by Proposition 1A is premised upon  
16    the limitation of these activities to Indian lands as defined by  
17    IGRA; and  
18    WHEREAS, The U.S. District Court for the Eastern District of  
19    California has determined that a tribe must presently possess  
20    jurisdiction over eligible Indian lands as defined by IGRA in  
21    order to have standing to sue California for refusing to enter  
22    negotiations or complete a compact; and  
23    WHEREAS, Subdivisions (c) and (e) of Section 12012.25 of  
24    the Government Code provide that tribal gaming compacts

1 negotiated by the Governor are subject to ratification by the  
2 Legislature; now, therefore, be it

3 *Resolved by the Senate of the State of California,* That a  
4 gaming compact negotiated *and executed* by the Governor  
5 between an Indian tribe and the State of California governing the  
6 conduct of class III gaming activities on lands that are not  
7 federally-recognized Indian lands, as defined by IGRA, at the  
8 time the compact is presented to the Senate, shall not be ratified  
9 or considered for ratification; and be it further

10 *Resolved,* That this resolution does not apply to any gaming  
11 compact negotiated *and executed* by the Governor between an  
12 Indian tribe and the State of California governing the conduct of  
13 Class III gaming activities on lands that were not federally  
14 recognized Indian lands on or before September 30, 2005.